

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) 8:07CR100
vs.)
) ORDER
ELEUTERIO CAVADA-RODRIGUEZ,)
)
Defendant.)

This matter is before the court on the government's motion to continue the trial currently set for May 22, 2007. For good cause shown, I find that trial should be continued to June 5, 2007.

IT IS ORDERED that the Motion to Continue Trial [16] is granted, in part, as follows:

1. The above-entitled case is scheduled for a jury trial before the Honorable Laurie Smith Camp, District Court Judge, to begin **Tuesday, June 5, 2007 at 9:00 a.m.** in Courtroom No. 2, Third Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska; because this is a criminal case, defendant(s) must be present in person. Counsel will receive more specific information regarding the order of trial from Judge Smith Camp's staff.

2. In accordance with 18 U.S.C. § 3161(h)(A), I find that the ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **May 22, 2007 and June 5, 2007**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161 because counsel require more time to effectively prepare the case, taking into account the exercise of due diligence. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED May 10, 2007.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge